



Tennessee Board of Dentistry

Newsletter

Summer 2002

A regulatory agency of the State of Tennessee

Vol. 2, No. 2

Cordell Hull Building, First Floor, 425 Fifth Avenue North, Nashville, TN 37247-1010

• www.TennesseeAnytime.org

BOARD TAKES DISCIPLINARY ACTION IN 2002

The Board, at its meetings in January and May of 2002, took the following disciplinary actions:

Brittain, Richard D. – License No. DS3581

Unprofessional conduct, making false or misleading statements or representations, being guilty of fraud or deceit in the practice of dentistry, conviction of a felony, and unethical conduct in violating Rule 0460-2-.11(3) governing third party payor practices. Respondent's license was revoked, and he was ordered to pay costs.

Clark, III, Champ E. – License No. DS 4423

Unprofessional conduct and violation or attempted violation, directly or indirectly, of any lawful order of the board. Respondent's license was placed on probation for three years and ordered to pay \$5,000, or \$100 per day that the Board's Order was violated. Respondent was ordered to appear before the Board in May to demonstrate compliance or be subject to revocation.

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ALERT REGARDING NITROUS OXIDE USE

A new warning in the use of nitrous oxide...possible adverse reactions may result when nitrous oxide is administered to patients who have undergone ophthalmic surgery where medical specialty gases were used.

In patients who have previously undergone eye surgery, a gas bubble forms as a part of the healing process; when nitrous oxide is then used as

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NEW RULES CHANGE FEES AND CONTINUING EDUCATION

Effective June 24th, new rules changed the fee structure and continuing education requirements for all licensees.

Beginning with licenses that expire July 31st, you will be assessed the new fee which will appear on your renewal application when you renew.

In addition, all dentists, dental hygienists, and registered dental assistants (whether or not you possess coronal polishing certification) must complete *at least* one hour of continuing education in chemical dependency during calendar year 2002. Approved Courses: Practical Prescribing for Dentists (September 21-Nashville, November 16 – Memphis, and December 7 – Sevierville; contact 502-375-2727); Dynamic Dental Educators (a home study course) at www.dynamicdentaled.com or 813-972-0159; and courses sponsored by the Concerned Dental Professionals Committee-contact 615-356-4040.

A copy of these new rules is available by going to the "Noteworthy" section at the Board's web site (www.TennesseeAnytime.org). ☺

HOMELAND SECURITY INITIATIVES INVOLVE LICENSEES!

As a part of the Department's efforts to comply with Tennessee's Homeland Security Initiatives, the Department is requesting all licensees to provide the State with an e-mail address and/or fax number. This would be used in notifying health care professionals in the event of a national or state emergency and would provide an

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HOMELAND SECURITY INITIATIVES INVOLVE LICENSEES!

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effective and efficient way to communicate a medical alert or warning. Your Board is requesting your e-mail address (if you have one) and a fax number where you could be notified. E-mail addresses and/or fax numbers can be provided by the following methods:

- Internet – Change and/or update your address at www.TennesseeAnytime.org. Select health license renewal and follow directions. There is no charge for “address” changes.
- Fax – You can send information to the Board’s Office at the following fax number: 615-532-5164.
- Mail – Change or update your information on your licensure renewal form or send changes to the Board’s office at First Floor, Cordell Hull Building, 425 Fifth Avenue N., Nashville, TN 37247-1010.

This information will not appear on the internet, but will be used in emergency notification of health care practitioners. ☞

NITROUS OXIDE ALERT

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a part of a dental procedure, the nitrous gas can permeate the bubble and ultimately cause decreased vision and/or blindness.

A gas bubble may be found in the eye when C3F8 (perfluoropropane) was used within the last eight weeks, or SF6 (sulfur hexafluoride) within the last 14 days, as an interocular gas.

The FDA has not issued a safety alert as of the date of this printing. However, an official with the FDA has advised the Board’s Office that the dental community should be apprised of the potential danger of using nitrous oxide on patients who have recently undergone eye surgery and that patient assessment for recent eye surgery is necessary. ☞

WELCOME NEW AND RE-APPOINTED BOARD MEMBERS!

Chairman Howard McClain welcomed two new board members at the May meeting of the Tennessee Board of Dentistry and recognized Ms. Fenelon for her reappointment.

William D. Nally, D.M.D. has been appointed to fill the 2002-2005 term as the Middle Tennessee representative. Dr. Nally, a native of Kentucky, received his B.S. degree in 1970 from Western Kentucky University and his D.M.D. degree from the University of Louisville in 1974. He currently practices in Nashville. Dr. Nally is married and has two children.

Bobby O. Cook, D.D.S., whose term runs until June 2005, obtained his undergraduate degree from Murray State University and his D.D.S. degree from the University of Tennessee at Memphis in 1959. A native of Dyersburg, Dr. Cook is married and has four children.

Francis C. Fenelon, Esq., whose term expired in March, 2002, was re-appointed to fill the consumer member position on the Board. Ms. Fenelon, a Memphis native, practices law in Nashville. Her second term will run through March, 2005. ☞

ABOUT TennesseeAnytime WEBSITE

To access the Board through Tennessee’s website, enter the following:

- ▶ www.TennesseeAnytime.org
- ▶ Government
- ▶ Select “Executive Branch”
- ▶ Executive Branch Departments, Boards, and Commissions
- ▶ Scroll to “Department of Health” and click!
- ▶ Under “Health Care Licensure and Regulation”, select “Health Professionals/Licensing Boards”
- ▶ Select “Board of Dentistry”

Adobe Acrobat Reader, used to download printed materials, is available free of charge. Simply acknowledge installation and follow the commands as they appear.

DISCIPLINARY ACTIONS

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Dove, Joseph F. – License No. DS7557

Unprofessional conduct, making false or misleading statements or representations, being guilty of fraud or deceit in the practice of dentistry, and conviction of a felony, relative to his conviction in federal court for insurance fraud. Respondent's license was revoked, and he was ordered to pay costs.

Jackson, III, Samuel S. – License No. DS7419

Unprofessional conduct, making false or misleading statements or representations, being guilty of fraud or deceit in the practice of dentistry, and conviction of a felony relative to his 2001 conviction for conspiring to be an accessory after the fact. Respondent's license was revoked, and he was ordered to pay costs. 🦷

CHANGES TO PRACTICE ACT.... PRACTITIONER ADVISORY

The 2002 Legislative Session resulted in numerous changes to the Dental Practice Act. Some changes can be implemented immediately, while others (including expanded functions) require rule changes before practitioners can take advantage of the changes. Below is a guideline for practitioners:

- Continuing Education – Change not effective until 2003; however, Board will have to determine specifics by new rule.
- Expanded duties for hygienists and registered assistants – Auxiliaries cannot perform these expanded duties until they obtain advanced permits, which will need to be established by the Board. In addition, these duties cannot be taught until new teaching requirements are established by Board rules.

Practitioners should not attend any course, unless the course can demonstrate Board approval for these new areas. Access the Board's website, if you have any questions about course approval status.

- Exemption added to allow dentists and hygienists licensed in other states to practice under the auspices of the Tennessee Department of Health, or one of its programs, for a period not to exceed 24 months.
- Reciprocity for dentists who have graduated from an ADA-accredited dental school and who meet such other requirements as are in the statute and to be established by the Board. [Practitioners cannot apply until new rules become effective.]
- Limited licenses for graduates of non-accredited dental schools who have completed specialty graduate training at an ADA-accredited school and confine their practice to ADA-accredited institutions or federally-designated health professional shortage areas. [Practitioners cannot apply until new rules become effective.]
- Board may accept other regional examinations, but the Board must draft rules to determine which regional examinations it will accept, if any.
- Amendment deleted "health maintenance organization" from the current statute, which allowed the HMO to provide dental services.
- Amendment allows an estate or agent of a deceased or disabled dentist to employ other dentist(s) to provide services to patients until the practice can be sold or disposed of, but not to exceed two years.
- Revises jury duty exemption, with limitations. Dentists who are sole practitioners, or in the National Guard, or professors or teachers in a college, school, or institution of higher learning are exempt.

You are encouraged to review the full text of Public Chapter 771, which is available under "Noteworthy" at the Board's home page (www2.state.tn.us/health/Boards/Dentistry/). If you do not have internet access, you may contact the Board's Office, and a copy of the bill will be furnished to you. 🦷

ON-LINE RENEWALS GAIN MOMENTUM

The Division of Health Licensure and Regulation's online renewal program began in December and has steadily grown in use and popularity.

The board to see highest implementation is the Board of Nursing, which has over 3,400 licensees who have already taken advantage of this electronic system.

Practitioners may access the online service at www.TennesseeAnytime.org/HLRS/ to renew their licenses up to 120 days before expiration. You will also be able to update your licensure information in a secured environment while in your renewal field.

How do you renew online?

www.TennesseeAnytime.org

-Step 1: Login. Select our board and your profession; then, enter your license number.

-Step 2: Update your Information. Change your home and/or office address.

-Step 3: Enter your renewal information. You will answer all necessary questions, as if you were completing your hard-copy form.

-Step 4: Payment. Enter your credit card information through the secure site and choose "submit".

What happens next?

If you have met all of the criteria necessary for renewal, your renewal certificate will be mailed to you within two to five days. 🦷

STATUTORY CHANGES IMPACT DENTISTS

The Legislature, in addition to amending the Dental Practice Act, also enacted three other public chapters, which directly impact dentists.

Public Chapter 840 – Controlled Substances Monitoring Act of 2002. Establishes a database which links pharmacies throughout the State to record the dispensing of Schedules II, III, and IV and establishes an Advisory Committee of which the Dental Board has membership.

Public Chapter 717 – Amends the statutes relative to mobile dental services, including requiring the

mobile dental services provider to comply with TCA 63-5-121 which requires ownership by a dentist.

Public Chapter 856 – Amends TCA 67-4-1703 to raise the amount of the professional privilege tax to \$400 per year. [Full time state employees are exempt.]

The full text of these public chapters can be accessed at the Board's home page, or www2.state.tn.us/health/Boards/Dentistry. 🦷

DIRECTOR CHANGE EFFECTIVE AUGUST

A new Executive Director has been named by the Division of Health Related Boards. **Paul R. David**, who previously worked with the Department of Children's Services, is the Executive Director of the Board of Dentistry effective August 15, 2002.

Denise Moran, who has served in the position since 1999, accepted the position as Director of the Office of Investigations, which oversees the complaint review and investigations process for all of Health Related Boards, in May. She will continue to serve on a transition team, and all staff members will remain in their current positions. 🦷

BOARD MEETING DATES FY 2003

January 9 and 10

May 15 and 16

September 18 and 19

9:00 a.m., Central Time

Cordell Hull State Office Building

OSHA SITE LISTS INSPECTION ACTIVITY

The Occupational Safety and Health Administration, U.S. Department of Labor, has published a site for inspections of offices and clinics, including those for dentists.

To view a list of inspections and details of the inspection/findings, visit the OSHA website at www.OSHA.gov/ and look under "Statistics" and "Inspection Data". 🦷

FREQUENTLY ASKED QUESTIONS

The Board's Office receives frequent inquiries regarding retirement, scope of practice, continuing education, direct versus general supervision, and address verifications. Below is a list of some of the most frequently asked questions with statutory or rule cites, as follows:

- **Does retirement from practicing dentistry (or dental hygiene/dental assisting) also retire my license?** No. In order to retire a license (dental or dental hygiene) or a registration (dental assisting), you must complete an "Affidavit of Retirement" and file the document with the Board's Office. Reference Rule 0460-2-.09; 3-.08; or 4-.07
- **What if I retire my license (or registration) and decide to return to practice?** Before practicing, you **must** have an active license/registration. The first step in getting your retired license/registration reactivated is to obtain an "Application for Reactivation" and submit the application to the Board's Office. Different restrictions apply depending upon the rules governing your specific profession and how long your license has been retired, including continuing education and fees. Refer to Rules 0460-1-.05(6) and 0460-2.09; 3-08; or 4-.07 for specific requirements you must meet for reactivation.
- **Can dental assistants who practiced in (or were registered/certified by) another state or DANB perform the duties of registered dental assistants in Tennessee without registration?** No. Dental assistants who perform any function in excess of "practical dental assisting," defined at Rule 0460-4-.01, must be registered in Tennessee, **regardless** of their experience, training, out-of-state credential status, or national certification.
- **How do I check to see if the Board has my current address?** You may check your address by logging onto the Board's web site at www.TennesseeAnytime.org The address that appears on your verification screen is your official mailing address with the Board. You may also verify your address by using the Board's automated system at 1-888-310-4650. The law (T.C.A. §63-1-108) requires you to

report all changes of address to the Board's Office within 30 days of the change.

- **How do I know if a continuing education course that I want to attend is accepted in Tennessee?** The Board may approve courses whose sponsors request approval pursuant to Rule 0640-1-.05(3). The rules, at 0460-1-.05(3)(d), also list sponsoring organizations, such as the ADA and the AGD, which do not have to receive prior approval from the Board. Courses approved by other state boards are not automatically approved for Tennessee. If you have questions about course sponsorship or course approval, you will need to contact the course provider to ascertain sponsorship. Otherwise, contact the Board's Office (or Board's web page) to verify course approval. As a reminder, you are to retain your certificates (for three calendar years) as proof of attendance. During an audit, the Board's Office will ask you, not any other entity, to provide copies of these certificates as proof of your continuing education compliance. And, save your CPR certification cards, as well.
- **Can a dental hygienist work without the dentist being present in the office?** Depends. T.C.A. §63-5-108(b) allows for a licensed dental hygienist to practice under general supervision [as defined in T.C.A. 63-5-115(b)(2)] for not more than 15 consecutive business days those procedures allowed under general supervision, *if the requirements listed at -108(b) are met*. Among these requirements is notification to the patient, *in advance of the appointment*, that the dentist will not be in the office AND that the hygienist will not be able to diagnose the patient's health care status.

NOTE: Root planing and subgingival curettage are to be performed under direct supervision.

NOTE: Dental assistants are not allowed to practice under general supervision. 🦷



Tennessee Board of Dentistry
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010



Tennessee Board of Dentistry Board Members as of August 1, 2002

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